

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	16cv7175 (DLC)
THOMAS P. KOESTLER,	:	20cv706 (DLC)
	:	
Petitioner,	:	<u>ORDER</u>
	:	
-v-	:	
	:	
MARTIN SHKRELI,	:	
	:	
Respondent.	:	
	:	
-----	X	
-----	X	
	:	
FEDERAL TRADE COMMISSION, et al.,	:	
	:	
Plaintiffs,	:	
	:	
-v-	:	
	:	
MARTIN SHKRELI,	:	
	:	
Defendant.	:	
	:	
-----	X	

DENISE COTE, District Judge:

On August 16, 2021, an Order for Turnover and Appointment of Receiver (the "Receivership Order") was entered in Koestler v. Shkreli, 16cv7175. The Receivership Order provided that

Derek C. Abbott is appointed as receiver in this case on the terms set forth in this Order (the "Receiver") to collect the Phoenixus Stock owned by the Judgment Debtor in Phoenixus and to sell that stock so as to satisfy the Judgment to the Judgment Creditor in this case with such interest and any other costs or amounts to which the Judgment Creditor is entitled.

On February 4, 2022, an Order for Permanent Injunction and Equitable Monetary Relief (the "Shkreli Injunction") was entered

in Federal Trade Commission v. Vyera Pharmaceuticals, LLC, No. 20cv706, 2022 WL 1081563 (S.D.N.Y. Feb. 4, 2022). The Shkreli Injunction provided that Martin Shkreli

may retain an Ownership Interest in securities that are under the control of the receiver appointed in Koestler v. Shkreli, 1:16cv7175 (S.D.N.Y.) until the earlier of (a) the sale of the securities by the receiver or (b) 180 days after the receiver returns the securities to Defendant Shkreli so long as Defendant Shkreli does not exercise any rights as owner of the securities, including voting rights, while the securities are under the control of the receiver or under the control of Defendant Shkreli.

On September 13, 2022, the Receiver submitted a letter requesting that the Court order, inter alia, that:

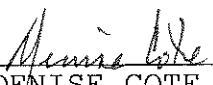
1. The Receiver shall, upon the Receiver's written agreement to accept legal ownership, be the legal owner of the Phoenixus Stock subject to: (a) the requirements of the Receivership Order, and (b) Phoenixus and the Receiver entering into a mutually agreeable agreement indemnifying the Receiver in connection with such legal ownership; [and]
2. The Judgment Debtor Martin Shkreli shall remain the beneficial owner of the Phoenixus Shares for all tax purposes, including but not limited to any U.S. federal, state, local or international income tax, share transfer tax, or any other applicable tax, and for purposes of any applicable tax treaty

Accordingly, it is hereby

ORDERED that any opposition to the Receiver's request be filed by September 27, 2022. If no such opposition is filed,

the Court shall issue the Receiver's proposed order.

Dated: New York, New York
September 23, 2022



DENISE COTE
United States District Judge